

BEFORE THE BOARD OF HORSE RACING  
DEPARTMENT OF LIVESTOCK  
STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED
amendment of ARM 32.28.1402	)	AMENDMENT
pertaining to horse racing	)	
	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On July 12, 2008, the Board of Horse Racing proposes to amend the above-stated rules.

2. The Board of Horse Racing will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Horse Racing no later than 5:00 p.m. on July 3, 2008 to advise us of the nature of the accommodation that you need. Please contact Marlys Stark, P.O. Box 200512, Helena, MT 59620-0512; phone (406) 444-4287; TTD number: 1-800-253-4091; fax: (406) 444-4305; e-mail: mstark@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

32.28.1402 PERMISSIBLE MEDICATION (1) through (16) remain the same.  
~~(17) Notwithstanding any other provision of this rule, no two-year old horse shall carry in its body while participating in a race any medication whatsoever specifically including phenylbutazone or furosemide. The finding of any medication in a two-year old horse participating in a race shall disqualify the owner of such horse from participating in the purse distribution and, in addition, the stewards may take any authorized action they may consider necessary to preserve the integrity of racing.~~

(18) and (19) remain the same but are renumbered (17) and (18).

AUTH: 23-4-104, 23-4-202, MCA

IMP: 23-4-104, MCA

REASON: The proposed rule change is necessary to eliminate the requirement that no two year old horse may run with medication. The board received a request from a trainer to eliminate that restriction for several reasons. The board has determined it will not restrict the use of medication in two year olds.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Board of Horse Racing, Attn. Marlys

Stark, P.O. Box 200512, Helena, MT 59620-0512, by faxing to (406) 444-4305, or by e-mailing to [mstark@mt.gov](mailto:mstark@mt.gov) to be received no later than 5:00 p.m., July 10, 2008.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The request for hearing and comments must be received no later than 5:00 p.m., July 10, 2008.

6. If the board receives a request for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 100, based on the 1,000 licensees in Montana.

7. An electronic copy of this proposal notice is available through the department's web site at <http://mt.gov/liv/default.asp>.

8. The Board of Horse Racing maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding the Board of Horse Racing. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed to Marlys Stark, Board of Horse Racing, Department of Livestock, P.O. Box 200512, Helena, MT 59620-0512, faxed to (406) 444-4305, or e-mailed to [mstark@mt.gov](mailto:mstark@mt.gov).

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF HORSE RACING  
DEPARTMENT OF LIVESTOCK

/s/ Christian Mackay  
Christian Mackay  
Executive Officer  
Department of Livestock

/s/ Sherry Meador  
Rule Reviewer

Certified to the Secretary of State June 2, 2008.